



Rep. Dennis M. Reboletti

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LRB098 07508 RLC 44427 a

1 AMENDMENT TO HOUSE BILL 1929

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1929 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Unified Code of Corrections is amended by  
5 changing Section 5-8-1 as follows:

6 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

7 Sec. 5-8-1. Natural life imprisonment; enhancements for  
8 use of a firearm; mandatory supervised release terms.

9 (a) Except as otherwise provided in the statute defining  
10 the offense or in Article 4.5 of Chapter V, a sentence of  
11 imprisonment for a felony shall be a determinate sentence set  
12 by the court under this Section, according to the following  
13 limitations:

14 (1) for first degree murder,

15 (a) (blank),

16 (b) if a trier of fact finds beyond a reasonable

1 doubt that the murder was accompanied by exceptionally  
2 brutal or heinous behavior indicative of wanton  
3 cruelty or, except as set forth in subsection (a)(1)(c)  
4 of this Section, that any of the aggravating factors  
5 listed in subsection (b) or (b-5) of Section 9-1 of the  
6 Criminal Code of 1961 or the Criminal Code of 2012 are  
7 present, the court may sentence the defendant to a term  
8 of natural life imprisonment, or

9 (c) the court shall sentence the defendant to a  
10 term of natural life imprisonment when the death  
11 penalty is not imposed if the defendant,

12 (i) has previously been convicted of first  
13 degree murder under any state or federal law, or

14 (ii) is a person who, at the time of the  
15 commission of the murder, had attained the age of  
16 18 or more and is found guilty of murdering an  
17 individual under 12 years of age; or, irrespective  
18 of the defendant's age at the time of the  
19 commission of the offense, is a person who, at the  
20 time of the commission of the murder, had attained  
21 the age of 17 or more and is found guilty of  
22 murdering an individual under 12 years of age; or,  
23 irrespective of the defendant's age at the time of  
24 the commission of the offense, is found guilty of  
25 murdering more than one victim, or

26 (iii) is found guilty of murdering a peace

1 officer, fireman, or emergency management worker  
2 when the peace officer, fireman, or emergency  
3 management worker was killed in the course of  
4 performing his official duties, or to prevent the  
5 peace officer or fireman from performing his  
6 official duties, or in retaliation for the peace  
7 officer, fireman, or emergency management worker  
8 from performing his official duties, and the  
9 defendant knew or should have known that the  
10 murdered individual was a peace officer, fireman,  
11 or emergency management worker, or

12 (iv) is found guilty of murdering an employee  
13 of an institution or facility of the Department of  
14 Corrections, or any similar local correctional  
15 agency, when the employee was killed in the course  
16 of performing his official duties, or to prevent  
17 the employee from performing his official duties,  
18 or in retaliation for the employee performing his  
19 official duties, or

20 (v) is found guilty of murdering an emergency  
21 medical technician - ambulance, emergency medical  
22 technician - intermediate, emergency medical  
23 technician - paramedic, ambulance driver or other  
24 medical assistance or first aid person while  
25 employed by a municipality or other governmental  
26 unit when the person was killed in the course of

1 performing official duties or to prevent the  
2 person from performing official duties or in  
3 retaliation for performing official duties and the  
4 defendant knew or should have known that the  
5 murdered individual was an emergency medical  
6 technician - ambulance, emergency medical  
7 technician - intermediate, emergency medical  
8 technician - paramedic, ambulance driver, or other  
9 medical assistant or first aid personnel, or

10 (vi) is a person who, at the time of the  
11 commission of the murder, had not attained the age  
12 of 17, and is found guilty of murdering a person  
13 under 12 years of age and the murder is committed  
14 during the course of aggravated criminal sexual  
15 assault, criminal sexual assault, or aggravated  
16 kidnaping, or

17 (vii) is found guilty of first degree murder  
18 and the murder was committed by reason of any  
19 person's activity as a community policing  
20 volunteer or to prevent any person from engaging in  
21 activity as a community policing volunteer. For  
22 the purpose of this Section, "community policing  
23 volunteer" has the meaning ascribed to it in  
24 Section 2-3.5 of the Criminal Code of 2012.

25 For purposes of clause (v), "emergency medical  
26 technician - ambulance", "emergency medical technician

1 - intermediate", "emergency medical technician -  
2 paramedic", have the meanings ascribed to them in the  
3 Emergency Medical Services (EMS) Systems Act.

4 (d) (i) if the person committed the offense while  
5 armed with a firearm, 15 years shall be added to  
6 the term of imprisonment imposed by the court;

7 (ii) if, during the commission of the offense,  
8 the person personally discharged a firearm, 20  
9 years shall be added to the term of imprisonment  
10 imposed by the court;

11 (iii) if, during the commission of the  
12 offense, the person personally discharged a  
13 firearm that proximately caused great bodily harm,  
14 permanent disability, permanent disfigurement, or  
15 death to another person, 25 years or up to a term  
16 of natural life shall be added to the term of  
17 imprisonment imposed by the court.

18 (2) (blank);

19 (2.5) for a person convicted under the circumstances  
20 described in subdivision (b)(1)(B) of Section 11-1.20 or  
21 paragraph (3) of subsection (b) of Section 12-13,  
22 subdivision (d)(2) of Section 11-1.30 or paragraph (2) of  
23 subsection (d) of Section 12-14, subdivision (b)(1.2) of  
24 Section 11-1.40 or paragraph (1.2) of subsection (b) of  
25 Section 12-14.1, subdivision (b)(2) of Section 11-1.40 or  
26 paragraph (2) of subsection (b) of Section 12-14.1 of the

1 Criminal Code of 1961 or the Criminal Code of 2012, the  
2 sentence shall be a term of natural life imprisonment.

3 (b) (Blank).

4 (c) (Blank).

5 (d) Subject to earlier termination under Section 3-3-8, the  
6 parole or mandatory supervised release term shall be written as  
7 part of the sentencing order and shall be as follows:

8 (1) for first degree murder or a Class X felony except  
9 for the offenses of predatory criminal sexual assault of a  
10 child, aggravated criminal sexual assault, and criminal  
11 sexual assault if committed on or after the effective date  
12 of this amendatory Act of the 94th General Assembly and  
13 except for the offense of aggravated child pornography  
14 under Section 11-20.1B, 11-20.3, or 11-20.1 with  
15 sentencing under subsection (c-5) of Section 11-20.1 of the  
16 Criminal Code of 1961 or the Criminal Code of 2012, if  
17 committed on or after January 1, 2009, 3 years;

18 (2) for a Class 1 felony or a Class 2 felony except for  
19 the offense of criminal sexual assault if committed on or  
20 after the effective date of this amendatory Act of the 94th  
21 General Assembly and except for the offenses of manufacture  
22 and dissemination of child pornography under clauses  
23 (a) (1) and (a) (2) of Section 11-20.1 of the Criminal Code  
24 of 1961 or the Criminal Code of 2012, if committed on or  
25 after January 1, 2009, 2 years;

26 (3) for a Class 3 felony or a Class 4 felony, 1 year;

1           (4) for defendants who commit the offense of predatory  
2 criminal sexual assault of a child, aggravated criminal  
3 sexual assault, or criminal sexual assault, on or after the  
4 effective date of this amendatory Act of the 94th General  
5 Assembly, or who commit the offense of aggravated child  
6 pornography under Section 11-20.1B, 11-20.3, or 11-20.1  
7 with sentencing under subsection (c-5) of Section 11-20.1  
8 of the Criminal Code of 1961 or the Criminal Code of 2012,  
9 manufacture of child pornography, or dissemination of  
10 child pornography after January 1, 2009, the term of  
11 mandatory supervised release shall range from a minimum of  
12 3 years to a maximum of the natural life of the defendant;

13           (5) if the victim is under 18 years of age, for a  
14 second or subsequent offense of aggravated criminal sexual  
15 abuse or felony criminal sexual abuse, 4 years, at least  
16 the first 2 years of which the defendant shall serve in an  
17 electronic home detention program under Article 8A of  
18 Chapter V of this Code;

19           (6) for a felony domestic battery, aggravated domestic  
20 battery, stalking, aggravated stalking, and a felony  
21 violation of an order of protection, 4 years.

22           (e) (Blank).

23           (f) (Blank).

24           (g) In People v. Wooters, 188 Ill. 2d 500 (1999), the  
25 Illinois Supreme Court declared that Public Act 89-203 violates  
26 the single subject rule of the Illinois Constitution (ILCON

1 Art. IV, Sec. 8) by including certain provisions relating to  
2 mortgage foreclosure in a bill otherwise relating to crime. It  
3 is the purpose of this amendatory Act of the 98th General  
4 Assembly to re-enact and modify the provision relating to the  
5 imposition of a mandatory term of natural life imprisonment if  
6 the defendant is found guilty of murdering an individual under  
7 12 years of age. It is also the intent of this amendatory Act  
8 to comply with the United States Supreme Court decision of  
9 Miller v. Alabama which prohibits mandatory sentences of life  
10 imprisonment without parole for murder where the defendant was  
11 under 18 years of age at the time of the commission of the  
12 offense.

13 (Source: P.A. 96-282, eff. 1-1-10; 96-1000, eff. 7-2-10;  
14 96-1200, eff. 7-22-10; 96-1475, eff. 1-1-11; 96-1551, eff.  
15 7-1-11; 97-333, eff. 8-12-11; 97-531, eff. 1-1-12; 97-1109,  
16 eff. 1-1-13; 97-1150, eff. 1-25-13.)".